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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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5514	7590	09/25/2007	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HSU, AMY R	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/724,601	ARIGA, KAZUTO	
	Examiner	Art Unit	
	Amy Hsu	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 July 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-14,16,18-19,21-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 7/6/2007 have been fully considered but they are not persuasive as to Claims 1,3,6-9,12,14,16,18,19,21, and 22.

Regarding Claims 1, 7, 14, and 19, the applicant argues that Yokokawa does not disclose or suggest a monitor that simultaneously displays a selected sample image and an object image based upon electronic image data. It is understood from the applicant's disclosure in the specification that a "sample image" is an image that is used as a standard or as an example for a similar image that is about to be captured.

However, the language in Claim 1 is written broadly enough to allow the examiner to interpret it as claiming simply a sample image. The "sample image" of Claim 1 does not have any such limitations as those mentioned above understood from the specification, and therefore a "sample image" can be a portion, piece, or segment that is representative of a whole. In the case of Yokokawa, a sample is a thumbnail image because a thumbnail image, as seen in Yokokawa's Fig. 4E reference number 61, is a segment that represents the entire image file. Therefore Yokokawa teaches a display in Fig. 4E that simultaneously displays a selected sample image (*Fig. 4E indicates reference number 61 has been selected as seen from the dotted outline*) and an image based upon electronic image data (*Fig. 4E reference number 62 is an image also captured by the apparatus so it is based on electronic image data*).

Art Unit: 2622

The applicant argues that with the present invention a user can ascertain with which sample image the image will be associated by viewing the monitor, further the user can also determine the association prior to saving the image. However, using the same example in Yokokawa, in Fig. 4B the user can select today's start and can see in Fig. 4E the images with the date of 10/25/01. In this way the user can view the monitor of Fig. 4E and realize the images about to be captured will be associated with this date, the date of the sample, reference number 61. This is further seen in Fig. 3B row 5 where the images yet to be captured as of the time of the display of Fig. 4E are later seen to be associated with those of Fig. 4E. Therefore the user will know with which sample image (*Fig. 4E reference number 61, the selected sample image*) the images yet to be captured will be associated.

Claim Objections

2. The objection to Claim 7 is withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1,3-4,6-10,12,14,18,19,21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Yokokawa (US 7184082).

Regarding Claim 1, Yokokawa teaches an imaging apparatus comprising: an imaging unit that converts an optical image into electronic image data (*Col 5 Lines 5-9*); a storage medium (*Fig. 1 reference number 4 and Col 5 Lines 24-26*) that stores electronic image data corresponding to a plurality of sample images (*Fig. 4E reference number 61 is a sample image and reference numbers 62-64 are stored corresponding with 61 within the file for that date, as seen in Fig. 3B row 5, that is an example of image data stored corresponding to a sample image, 61*); an operating member that selects one of the plurality of sample images (*Col 16 Lines 59-62 teach the control unit, 41, is the operating member that selects a particular image from among images recorded on the medium, and Col 14 Lines 4-15 teach that there are several options of selecting a recorded sample image such as date or shooting condition*); a monitor that displays images based on electronic image data (*Fig. 4E is a display showing images*), said

Art Unit: 2622

monitor simultaneously displaying the sample image selected by said operating member and an object image based on the electronic image data (*Fig. 4E shows the monitor displaying the sample image which was selected in Fig. 4B by the date rule and Fig. 4E shows that reference number 61 was the selected image based on the selection made in Fig. 4B, and at the same time the monitor displays images based on captured electronic image data*); a switch that instructs the imaging apparatus to record the electronic image data obtained by said imaging unit in said storage medium (Col 15 Lines 64-67 teach the operation unit, 30 a-c, are input, buttons or switch, that accept respective types of instructions from a user. One of the input instructions is to record since the user is later able to choose an image from the recorded images)); and a control circuit that saves in said storage medium the electronic image data such that the electronic image data is associated with the sample image displayed on said monitor according to an operation of said switch (*The inputs mentioned, reference numbers 30 a-c, are the only interface with the user, so 30 is where the user has the ability to choose a sample image and as seen in Fig. 3B or Fig. 7B the images are saved accordingly*).

Regarding Claim 3, Yokokawa teaches an imaging apparatus according to Claim 1, further comprising a second storage medium that stores electronic image data (*Fig. 1 reference number 5 shows the memory card for image storage, this is in addition to the storage medium represented by reference number 4*), wherein said control circuit saves in said second storage medium the electronic image data such that the electronic image

Art Unit: 2622

data is associated with the sample image displayed on said monitor according to the operation of said switch (*Fig. 6B and Fig 7B describe the association within the storage*).

Regarding Claim 4, Yokokawa teaches an imaging apparatus according to claim 1, wherein said storage medium stores additional data associated with each of the plurality of sample images, the additional data including respective imaging conditions suitable for capturing the plurality of sample images (*Col 2 Lines 63-67 shooting condition under which the image is obtained by shooting is the type of information associated with the image data*).

Regarding Claim 6, Yokokawa teaches an imaging apparatus according to Claim 1, further comprising: a reader that reads electronic image data corresponding to a sample image from an external storage medium (*Col 16 Lines 15-17*); and a selector that selects whether said control circuit controls operation of said imaging apparatus so as to display on said monitor the sample image read from said external storage medium or one of the plurality of sample images from said storage medium (*Col 16 Lines 40-43 describe a selector that generally allows a user to control operations of the apparatus but does not specifically describe selecting a sample image from external storage medium versus other storage medium. However, Col 16 Lines 15-17 describe how the apparatus can read from external storage medium and Col 16 Lines 31-33 describe how the apparatus can also read from the sample images of the storage medium of the*

Art Unit: 2622

apparatus of Claim 1 by connecting via USB cable (Col 16 Lines 31-33). Therefore the apparatus can read from both the external storage medium and the storage medium, the apparatus itself acts as a selector to read from the appropriately connected medium.

Regarding Claim 7, Yokokawa teaches an imaging apparatus comprising: an imaging unit that converts an optical image into electronic image data; a reader that reads a plurality of sample images from an external storage medium (*Col 16 Lines 15-17*); and an operating member that selects one of the plurality of sample images; a monitor that displays images based on electronic image data, the monitor displaying the sample image selected by said operating member and an object image based on the electronic image data simultaneously; a switch that instructs to record the electronic image data obtained by said imaging unit on said external storage medium; and a control circuit that saves in said external storage medium the electronic image data such that the electronic image data is associated with the sample image displayed on said monitor according to an operation of said switch (*all other limitations are addressed with Claim 1*).

Regarding Claim 8, Yokokawa teaches an imaging apparatus according to Claim 7, wherein said reader is capable of writing data to said external storage medium (*Col 16 Lines 11-14*), and wherein said control circuit controls said reader so as to save in the external storage medium electronic image data such that the electronic image data

Art Unit: 2622

is associated with the sample image displayed on said monitor according to the operation of said switch (as addressed with *Claim 1*).

Claim 9 is rejected similarly to Claim 3.

Regarding Claim 10, Yokokawa teaches an imaging apparatus according to Claim 7, wherein said reader reads additional data associated with the sample image, the additional data including an imaging condition suitable for capturing the sample image (as addressed with *Claims 6 for the reader and Claim 4 for the additional data*).

Regarding Claim 12, Yokokawa teaches an imaging apparatus according to Claim 7, wherein said reader reads electronic image data corresponding to a plurality of sample images from said external storage medium, and further reads additional data associated with the plurality of sample images, the additional data including respective imaging conditions suitable for capturing the plurality of sample images (as addressed with *Claim 6*).

Claim 14 claims a method to enable the limitations of Claim 1 and is therefore similarly rejected.

Claim 18 claims a method of controlling an imaging apparatus according to Claim 14, further comprising reading a sample image from among a plurality of sample

Art Unit: 2622

images stored in a plurality of storage media. Sample images are stored in a plurality of storage media including an MMC/SD memory card (*Col 16 Line 26*), a compact flash drive (*Col 16 Line 22*), and a smart medium drive (*Col 16 Line 18*).

Regarding Claim 19, Yokokawa teaches a program for functions of the disclosed camera (*Col 5 Lines 55-56*) including the limitations of Claim 19, as addressed in the paragraph regarding Claim 7.

Regarding Claim 21, Yokokawa teaches a program for functions of the disclosed camera (*Col 5 Lines 55-56*) including the limitations of Claim 21 as addressed in the paragraph regarding Claim 4.

Regarding Claim 22, Yokokawa teaches a program for functions of the disclosed camera (*Col 5 Lines 55-56*) including the apparatus' ability to select a sample image from a plurality of storage media (*Fig. 1 reference numbers 4 and 5 depict at a plurality of storage media*).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5,11,13,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokokawa (US 7,184,082) further in view of Hibino et al. (US 6,252,625).

Regarding Claims 5, 11, and 13 Yokokawa teaches an imaging apparatus according to claim 4, where the imaging condition is included in the additional data stored with the sample image. Yokokawa fails to teach that the control circuit controls an image capture operation of the imaging unit in accordance with said imaging condition of associated sample image which is simultaneously displayed on the monitor. Hibino teaches an imaging apparatus, which captures images, based on settings or imaging conditions of an associated sample image. Fig. 6 shows the image capturing procedure where a sample image, the first frame as shown in reference number S1001, has associated imaging conditions such as exposure control, reference number S1006. Subsequent images captured use the imaging conditions of the sample image (*Col 2 Lines 24-25 00 and Col 2 59-67 through Col 3 Lines 1-3*). It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the imaging apparatus of Yokokawa, which provides sample images with stored imaging condition information, by using said stored condition information to set the camera settings to capture subsequent images which will be associated with the sample image because given that the two simultaneously displayed images are associated, image capturing setup time will decrease by reducing the camera setting adjustments since the conditions are similar and do not need to be readjusted.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy Hsu whose telephone number is 571-270-3012. The examiner can normally be reached on M-F 8am-5pm.

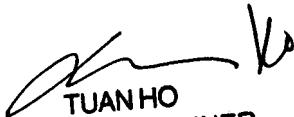
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amy Hsu
Examiner
Art Unit 2622

ARH 9/15/07



TUAN HO
PRIMARY EXAMINER